



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

HTV-31

Subject: **Conformity and Planning Issues Related
to the IVHS Program**

Date: **MAY 14 1993**

From: **Associate Administrator for
Safety and System Applications
Associate Administrator for
Program Development
Washington, D.C. 20590**

Reply to
Attn of: **HTV-31**

To: **Regional Federal Highway Administrators**

We have become aware of an important issue regarding the extent to which activities funded with Intelligent Vehicle Highway Systems (IVHS) funds from Title VI, Part B, of the Intermodal Surface Transportation Efficiency Act (ISTEA) are subject to the conformity requirements of the Clean Air Act Amendments of 1990 (CAAA) and the Transportation Planning and Program Requirements of the ISTEA. This memorandum is intended to provide guidance on the issue for the Federal Highway Administration (FHWA) programs supported with IVHS funds, especially in the following two areas:

1. **IVHS Early Deployment Projects**
2. **IVHS Operational Tests (including the Corridors Program)**

It is essential that the requirements of CAAA and of ISTEA be followed in the development of IVHS plans, programs, and projects. Following the requirements will lead to effective IVHS projects that have the support of decisionmakers. Even though IVHS activities funded under Title VI of the ISTEA by themselves may not generally be subject to these requirements, the long-term growth and expansion of the IVHS Program will likely result in projects that will be subject to these requirements. There will be instances for project completion, integration, or expansion where conformity and transportation planning/programming requirements will apply. Given these situations, there are three general scenarios in which to consider the extent that the conformity and transportation planning and program requirements are applicable.

Scenario #1: Activities Funded Under the Early Deployment Program

Activities funded through the early deployment program are considered to be comprehensive IVHS planning and feasibility efforts. In these cases, the activities are not subject to the conformity requirements because they are for planning purposes and are not considered to have any air quality consequences. Similarly, such activities do not need to be

included in the metropolitan or statewide transportation plans and improvement programs. However, such activities should be included in the unified planning work program for the metropolitan area to ensure that they are integrated into the overall transportation planning process and the results are considered in the development of plans and programs for the metropolitan area.

Projects which result after the early deployment planning is completed, that focus on a particular application, location, or technology, are subject to the conformity requirements and need to be included in both the metropolitan and statewide transportation improvement programs (TIP's). The projects also need to be consistent with the metropolitan and statewide transportation plans. These projects, which may represent the first phase of a long-term effort, must be subject to a conformity review in order to determine whether they can be considered neutral.

Scenario #2: A Pure IVHS Operational Test or Corridor Project

If an IVHS operational test or corridor project is of a strict testing or research nature, it is not subject to the conformity requirements and does not need to be included in either the metropolitan or statewide plans and TIP's. This may include operational test projects which evolve from an early deployment planning activity. As in Scenario #1, the activity should be included in the unified planning work program to ensure integration with the overall transportation planning process. However, after research and testing phases are completed, the long-term, wide-scale installation of tested and proven technologies is subject to the conformity requirements and needs to be included in both the metropolitan and statewide TIP's. The project must also be consistent with the metropolitan and statewide plans.

An additional note on conformity needs to be made under this scenario. This scenario assumes that no new construction will be necessary to implement the operational test. If new construction is necessary, then the conformity requirements would apply. If construction is required, a determination would need to be made as to whether the project is considered neutral and whether a regional or localized (hot spot) analysis is necessary. For example, the synchronization of an existing traffic signal system as part of the operational test would not require a conformity determination. The construction of new changeable message signs and/or traffic signals (e.g., at an intersection or for ramp metering) for the operational test would be considered a neutral project under the conformity requirements and not require a regional analysis; however, it may require a localized (hot spot) analysis.

Scenario #3: An IVHS-Funded Project as a Part of a Larger Federally-aided Project

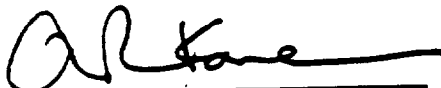
If the project funded with IVHS funds is part of a larger federally-aided project, then the entire project is subject to the conformity and transportation planning requirements. For example, if IVHS funds are used to support the demonstration of a traveler information kiosk at a mode transfer center or park-and-ride facility that is being expanded with Federal funds, then the entire project, including the kiosk, is subject to the conformity requirements and must be included in both the metropolitan and statewide TIP's. The project must also be consistent with the metropolitan and statewide transportation plans.

The regulations and the procedures that govern the conformity and the transportation planning/program activities are complex and still evolving. We expect that issues and questions will arise that test the requirements and procedures, especially as they relate to IVHS projects. While we cannot attempt to portray every issue or scenario in this memorandum, we hope that this guidance is useful in determining the extent to which the conformity and transportation planning/program requirements apply, with regard to implementing IVHS activities. We strongly encourage your offices to work closely with the States, the metropolitan planning organizations and the local agencies to ensure that these requirements are met and that they will not be a barrier to the implementation of IVHS (or any traffic management) projects.

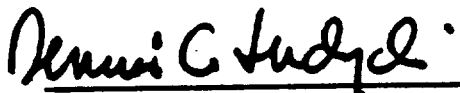
If you need further assistance with this guidance, or any aspect thereof, the following individuals are available:

- * Mr. Wayne Berman, Traffic Management Branch, HTV-31, 202-366-4069.
- * Ms. Kathy Laffey, Noise and Air Quality Branch, HEP-41, 202-366-2077.
- * Mr. Dean Smeins, Planning Operations Branch, HEP-21, 202-366-0230.

Please feel free to call these individuals.



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FHWA:HTV31:WBerman:kjh:05/14/93

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